

STATE OF NEW JERSEY  
BUREAU OF SECURITIES  
P.O. Box 47029  
Newark, New Jersey 07101  
(973) 504-3600

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IN THE MATTER OF:

David Allan Wiseman

CRD # 859983  
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SUMMARY  
REVOCATION ORDER

David Allan Wiseman  
1001 Peachtree Road  
Hacketstown, NJ 07840

Mr. Robert Brown, CEO  
Brill Securities  
152 West 57<sup>th</sup> Street  
New York, NY 10019

Pursuant to the authority granted to the Chief of the New Jersey Bureau of Securities ("Bureau") by the Uniform Securities Law, as amended, L. 1997, c. 276, N.J.S.A. 49:3-47 et seq., ("Law"), more particularly, N.J.S.A. 49:3-58, and after careful review and due consideration of the facts set forth below, the Bureau Chief has determined that the agent registration of David Allan Wiseman (CRD # 859983) shall be **REVOKED** for the reasons that follow:

1. David Allan Wiseman ("Wiseman"), residing at 1001 Peachtree Road, Hacketstown, New Jersey 07840, had been registered with the Bureau as an agent of seven different firms between the period beginning December 15, 1987, when he was a registered representative of Janney Montgomery Scott, Inc., and January 9, 2004, when, according to a Form U-4 filed on his behalf,

he terminated his employment with Brill Securities.

2. From December 15, 1987 through December 21, 1989, Wiseman was registered in New Jersey as an agent of Janney Montgomery Scott, Inc. (CRD # 463).

3. From December 18, 1989 through January 2, 1990, Wiseman was registered in New Jersey as an agent of Moore & Schley, Cameron & CO. (CRD #6917).

4. From December 18, 1989 through January 27, 1990, Wiseman was registered as an agent of Hanifen, Imhoff Securities Corp. (CRD # 10620).

5. From January 31, 1990 through October 22, 1991, Wiseman was registered as an agent of Josephthal & Co., Inc. (CRD # 3144).

6. From September 27, 1991 through November 5, 1991, Wiseman was registered as an agent of Josephthal Lyon & Ross Incorporated (CRD # 3227).

7. From October 30, 1991 through July 30, 1993, Wiseman was registered as an agent of PaineWebber, Inc. (CRD # 8174).

8. From October 6, 1993 through January 9, 2004, Wiseman was registered as an agent of Brill Securities, Inc. (CRD # 18565).

9. On November 26, 2001, The Honorable Catherine Langlios, J.S.C. Filed an Order For Entry Of Judgment By Consent in the matter of State of New Jersey v. David Wiseman, (Docket No. MRS.-L-003173-99) (the "Consent Order"). The Consent Order entered a judgment in favor of the State of New Jersey against Wiseman for multiple violations of the New Jersey Insurance Fraud Protection Act.

10. In a stipulation of settlement and a consent judgment signed on November 8, 2001, Wiseman acknowledged that he submitted to his insurer altered or fabricated insurance claim

documentation for reimbursement of medical costs from his medical insurer, Aetna, for numerous claims from five different doctors between April of 1992 through July of 1993.

11. According to the Stipulation of Settlement, Wiseman was required to pay a civil penalty in the amount of six thousand (\$6,000.00) dollars payable to the commissioner of the New Jersey Department of Banking and Insurance, attorney fees in the amount of one thousand fourteen (\$1,014.00) dollars payable to the State of New Jersey, and restitution and interest in the amount of two thousand seven hundred twenty nine dollars and fourteen cents (\$2,729.14), payable to Aetna U.S. Healthcare.

12. In a separate action, filed on November 22, 2002, the State of New Jersey, Office of Insurance Fraud Prosecutor ("OIFP") was granted leave to join a pending action between Wiseman and Selective Insurance Company ("Selective") as an intervenor. The amended intervenor complaint filed by the OIFP named Wiseman as a defendant.

13. The November 22, 2002 complaint alleged that Wiseman had knowingly made statements that contained false or misleading information concerning material facts in pursuit of an insurance claim submitted to Selective for the theft of personal property. The allegations were the result of a report made concerning the theft of a purse and its contents from Wiseman's then fiancée. The alleged theft took place in a store parking lot in the state of Minnesota. At the time of the alleged theft, there were valuable pieces of jewelry inside of the purse, which Wiseman claimed belonged to him.

14. On December 2, 2003, summary judgment was entered against Wiseman in the November 2002 action by an Order Granting Summary Judgment filed the same day. Pursuant to the order, Wiseman was to pay the New Jersey Department of Banking and Insurance a civil penalty in the amount of twenty-five thousand (\$25,000) dollars in addition to attorney fees and costs in the

amount of twenty-three thousand eight hundred ninety-nine dollars and fifty cents (\$23,899.50) payable to the State of New Jersey.

15. As of May 27, 2005, Wiseman had only paid twenty-eight hundred (\$2,800) dollars toward the previously mentioned fines and penalties.

16. To date, no update to Wiseman's U-4 was made pertaining to any of the above mentioned events.

WISEMAN HAS ENGAGED IN DISHONEST PRACTICES THAT  
ARE DEMONSTRATIVE OF POOR CHARACTER

N.J.S.A. 49:3-58(a)(1)  
N.J.S.A. 49:3-58(a)(2)(ix)

17. The preceding paragraphs are incorporated by reference as though set forth verbatim herein.

18. Pursuant to N.J.S.A. 49:3-58(a):

"The bureau chief may by order deny, suspend, or revoke any registration if he finds: (1) that the order is in the public interest; and (2) that the applicant or registrant ...(vii)... is not qualified on the basis of such factors as character..".

19. The Consent Judgment of November 26, 2001 found that Wiseman had violated the Insurance Fraud Prevention Act for filing false claims with an insurer on approximately ten (10) occasions. Additionally, the Order Granting Summary Judgment in the November 2002 action filed against Wiseman for the recorded interview conducted, and the Sworn Statement In Proof Of Loss filed, in connection with the alleged theft in Minnesota. The acts of filing a false insurance claim, a false Sworn Statement In Proof Of Loss, and conducting a recorded interview containing false statements in pursuit of false insurance claims are dishonest acts that are demonstrative of poor

character. Therefore the Bureau has cause, pursuant to N.J.S.A. 49:3-58(a)(1) and N.J.S.A. 49:3-58(a)(2)(ix), to revoke Wiseman's registration.

WISEMAN HAS WILLFULLY VIOLATED OR WILLFULLY FAILED TO COMPLY WITH  
A PROVISION OF THE UNIFORM SECURITIES LAW (1997) OR A RULE OR ORDER  
AUTHORIZED BY THE UNIFORM SECURITIES LAW (1997)

N.J.S.A. 49:3-58(a)(1)

N.J.S.A. 49:3-58(a)(2)(ii)

20. The preceding paragraphs are incorporated by reference as though set forth verbatim herein.

21. The New Jersey Administrative Code 13:47A 1.1 et seq. contains the rules and regulations which are used to effectuate the authority granted within the statute to regulate the sale of securities.

22. Pursuant to N.J.A.C. 13:47A-3.2:


"(a) A registered agent shall file an amendment with the CRD, by filing or updating a Form U-4 Uniform Application for Securities Industry Registration or Transfer, or its successor form, along with the fee, if any prescribed by the CRD, whenever the agent changes his or her name or home address, and whenever a change in the answers on his or her original application for registration occurs, as to ... "judgments based on fraud..." The amendments must be filed within 20 days of the occurrence identified therein.

24. Although Wiseman was registered with the Bureau at the time, he failed to file a

Form U-4 updating his original application for registration. More than 20 days have elapsed since the Consent Judgment was filed or since the summary judgment was filed. Therefore, Wiseman has violated N.J.A.C. 13:47A-3.2, and subsequently N.J.S.A. 49:3-58(a)(2)(ii).

CONCLUSION

For the reasons stated above, it is on this 5<sup>th</sup> DAY of October 2005 **ORDERED** that the agent registration of David Allan Wiseman (CRD # 859983) be **REVOKED** pursuant to N.J.S.A. 49:3-58(a)(1) and N.J.S.A. 49:3-58(a)(2)(ii) and (ix).

  
Franklin L. Widmann  
Chief, Bureau of Securities

DATED: October 5, 2005

### NOTICE OF RIGHT TO HEARING

Pursuant to the Uniform Securities Law (1997), N.J.S.A. 49:3-47 et seq., specifically, N.J.S.A. 49:3-58(c), the bureau chief shall entertain on no less than three days notice, a written application to lift the summary revocation on written application of the applicant or registrant and in connection therewith may, but need not, hold a hearing and hear testimony, but shall provide to the applicant or registrant a written statement of the reasons for the summary revocation.

This matter will be set down for a hearing if a written request for such a hearing is filed with the Bureau within 15 days after the respondent receives this Order. A request for a hearing must be accompanied by a written response, which addresses specifically each of the allegations set forth in the Order. A general denial is unacceptable. At any hearing involving this matter, an individual respondent may appear on his/her own behalf or be represented by an attorney.

Orders issued pursuant to this subsection to suspend or revoke any registration shall be subject to an application to vacate upon 10 days' notice, and a preliminary hearing on the order to suspend or revoke any registration shall be held in any event within 20 days after it is requested, and the filing of a motion to vacate the order shall toll the time for filing an answer and written request for a hearing.

If no hearing is requested, the Order shall be entered as a Final Order and will remain in effect until modified or vacated. If a hearing is held, the Bureau Chief shall affirm, vacate or modify the order in accord with the findings made at the hearing.

### NOTICE OF OTHER ENFORCEMENT REMEDIES

You are advised that the Uniform Securities Law provides several enforcement remedies, which are available to be exercised by the Bureau Chief, either alone or in combination. These remedies include, in addition to this action revoking your registration, the right to seek and obtain injunctive and ancillary relief in a civil enforcement action, N.J.S.A. 49:3-69, and the right to seek and obtain civil penalties in an administrative or civil action, N.J.S.A. 49:3-70.1.

You are further advised that the entry of the relief requested does not preclude the Bureau Chief from seeking and obtaining other enforcement remedies against you in connection with the claims made against you in this action.